

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DAVID B. MCCULLAR,)	
)	
Plaintiff,)	
)	
vs.)	NO. CIV-05-0717-HE
)	
STATE OF OKLAHOMA, ET AL.,)	
)	
Defendants.)	

ORDER


The plaintiff removed this action from the District Court of Caddo County. However, the applicable statute, 28 U.S.C. § 1441(a), provides:

[A]ny civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.

28 U.S.C. § 1441(a) (emphasis added). Under § 1441 only a defendant may remove a case to federal court. The statute referenced by plaintiff in his notice of removal, 28 U.S.C. § 1443, is to the same effect. Accordingly, the action was improvidently removed and is **REMANDED** to the District Court of Caddo County.

IT IS SO ORDERED.

Dated this 24th day of June, 2005.



JOE HEATON
UNITED STATES DISTRICT JUDGE